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August 16, 2021

VIA ECF

Honorable Pamela K. Chen
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Freeman, et al. v. HSBC Holdings plc, et al.*, 18-cv-7359 (“*Freeman I*”)
Bowman, et al. v. HSBC Holdings plc, et al., 19-cv-2146 (“*Bowman*”)

Dear Judge Chen:

We represent Commerzbank AG (“Commerzbank”) in the above-referenced cases. We have conferred with Plaintiffs pursuant to Rule 3.C of Your Honor’s Individual Practices and Rules and write jointly to set out the parties’ positions regarding a scheduling proposal for Plaintiffs’ Motion for Leave to File a Second Amended Complaint, *Freeman II* ECF No. 95; *Bowman* ECF No. 61 (Aug. 11, 2021) (“Motion to Amend”), which seeks leave to amend the Tenth Claim for Relief, which is asserted against Commerzbank.

In light of the current stay of proceedings in these cases pending the Second Circuit’s decision in *Freeman v. HSBC Holdings plc*, No. 14-cv-6601 (“*Freeman I*”), see Jan. 28, 2021 minute order in *Freeman II* and *Bowman*, Commerzbank proposes as a matter of judicial efficiency to defer further briefing on the Motion to Amend until after the decision in *Freeman I*. Should the Court decide to do so, consistent with the timing provided in the Court’s January 28, 2021 stay order, the parties would confer and inform the Court within 30 days after the *Freeman I* decision how they wish to proceed with the Motion to Amend, and in the meantime reserve all their respective rights.

Plaintiffs do not oppose Commerzbank’s request. Plaintiffs believe that the Tenth Claim for Relief presents different issues from *Freeman I* and is separately reviewable; however, as they previously acknowledged in their memorandum in support of their motion, *Freeman II*, ECF No. 95-1/*Bowman* ECF No. 61-1 at 2 n.1, the Court may determine that judicial efficiency warrants staying the motion until the *Freeman I* decision is issued.

Commerzbank respectfully requests the Court approve this proposal, which Plaintiffs do not oppose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan I. Blackman', written over a light gray rectangular background.

Jonathan I. Blackman

cc: Counsel of Record (by ECF)